IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMAAL R. GRIFFIN,)	
Plaintiff,)	
)	2.221705
V.)	2:22cv1795 Electronic Filing
UPMC PRESBYTERIAN, UPMC)	
POLICE SECURITY SERVICES,)	
SWISSVALE P.D. and PA STATE)	
POLICE,)	
)	
Defendants.)	

MEMORANDUM and ORDER

This case is before the Court on a Report and Recommendation ("R&R") that was filed by Magistrate Judge Dodge on August 2, 2023. The R&R recommends that plaintiff's remaining claims in the Amended Complaint be dismissed because 1) plaintiff has failed to advance sufficient factual allegations to demonstrate that "UPMC-Presbyterian" and/or "UPMC-Security Police Service" (or any individual associated with these entities) acted under color of state law; and 2) the court lacks subject matter jurisdiction over any state law claim(s) plaintiff is attempting to advance. Plaintiff timely filed objections to the R&R.

Plaintiff's objections are without merit. Plaintiff asserts he has shown "that the UPMC-Presbyterian, is funded by the Federal Government, of Allegheny County; and is appointed a Public Safety Director for the County of Allegheny County, as state actors, of the County of Allegheny County." He further posits "that UPMC-Presbyterian Hospital assigned Lt. Glenn Brunelle to coerce manufactured false reports to a government official, which exculpatory information was suppressed, with relevant history of petitioner innocence, and medical malpractice."

What plaintiff fails to appreciate is that "a showing" of a basis for the exercise of jurisdiction must be founded on pleaded facts and ascertainable factual matters. Bald assertions reflecting nothing more than legal conclusions that are devoid of factual content do not provide grounds to support a claim and/or the exercise of federal subject matter jurisdiction.

Plaintiff has failed to establish a factual basis to support a finding that any of the remaining defendants were acting under color of state law. The record likewise is devoid of factual content indicating that diversity jurisdiction exists. Consequently, the amended complaint fails to state a claim against "UPMC-Presbyterian" and/or "UPMC-Security Police Service" (or any individual associated with these entities) and the record establishes that the court is without subject matter jurisdiction as to all remaining claims plaintiff has attempted to advance. It follows that the action must be dismissed.

In light of the above, and after *de novo* review of the record, the following order is now entered:

AND NOW, this 20th day of October, 2023, IT IS ORDERED that all § 1983 claims in the Amended complaint are dismissed against "UPMC-Presbyterian" and/or "UPMC-Security Police Service" (or any individual associated with these entities) for failure to state a claim upon which relief can be granted and all remaining claims are dismissed without prejudice for lack of jurisdiction. The August 2, 2023, Report and Recommendation of Magistrate Judge Dodge as augmented above is adopted as the Opinion of the Court. Final judgment pursuant to Rule 58 will follow.

s/David Stewart CerconeDavid Stewart CerconeSenior United States District Judge

cc: Jamaal R. Griffin LV-3195 50 Overlook Drive Labelle, PA 15450

(Via First Class Mail)

The Honorable Patricia L. Dodge United States Magistrate Judge

(Via CM/ECF Electronic Mail)